

EXHIBIT A: STAMPED NOTICE OF APPEAL

RECEIVED

JAN 29 2026

SC Court of Appeals

5. Appellant's Emergency Motion filed with evidence of fraud on the court from defendants: October 21, 2025.
6. Appellant's Memo in Support of Emergency motion with audio evidence of fraud on the court: October 27, 2025
7. Court dismissed case with prejudice: November 3, 2025
8. Notice of Appeal filed: December 1, 2025

ISSUES PRESENTED FOR REVIEW

- I. Whether the trial court erred in dismissing Appellant's case with prejudice when Respondents' own records prove they fabricated the psychiatric assessment and detained Appellant in retaliation for threatening litigation.
- II. Whether the trial court erred in dismissing the case despite audio evidence proving fraud on the court in Respondents' dispositive motion.
- III. Whether the trial court erred in failing to consider Respondents' admission that they coordinated with probate court before completing their assessment, proving either improper ex parte contact or evidence destruction.
- IV. Whether the trial court erred in granting immunity when Respondents acted with actual malice and personal motivation rather than occupational motivation, as established by their own statement about "fear of wrath of litigious patients."
- V. Whether the trial court's dismissal should be vacated in light of newly discovered evidence, that constitutes the commission of federal obstruction of justice (20-year felony) to prevent appellate review.

GROUND'S FOR APPEAL

The trial court's dismissal was erroneous because:

1. Respondents' Own Records Prove Fabrication: The Crisis Intervention Sheet documents "Safety Concerns: NONE" and the Service Log documents "Emergency: N" (meaning No), yet Respondents proceeded with involuntary hospitalization based on fabricated danger claims.
2. But-For Causation Established: The timeline proves Appellant's hospitalization would not have occurred but for his threat to sue. Immediately after threatening litigation, Respondents changed "sue" to "hurt" in their records, made a 15-minute coordination call, and announced hospitalization.
3. Fraud on the Trial Court: Audio evidence proves Respondents made false statements in their dispositive motion, including claiming "involuntary commitment" when their own Service Log states "Emergency: N.", and billed as "NO EMERGENCY."
4. Actual Malice and Personal Motivation: Respondents' own citation to *Frazier v. Badger* and statement about "fear of wrath of litigious patients" proves they acted from personal motivation (fear of being sued) rather than occupational duty, defeating immunity.
5. Systematic Evidence Destruction: Respondents admitted coordinating with probate court before completing their assessment but refused to identify the judge, proving either improper judicial coordination or evidence destruction.
6. Ongoing Obstruction: On November 11, 2025, eight days after the trial court's dismissal, person(s) with Advanced Persistent Threat (APT) level computer capabilities inserted a

cryptocurrency wallet address into Appellant's appellate brief at the exact textual location where Appellant proves Respondents retaliated for threatening litigation. This constitutes:

- Federal obstruction of justice (18 U.S.C. § 1503 - 20-year felony)
- Evidence of ongoing conspiracy
- Consciousness of guilt proving the underlying May 1, 2025 conduct was unlawful
- Proof that perpetrators fear judicial scrutiny

It is requested that discovery lead to an investigation into which party committed a 20 year federal felony to prevent appellate review.

CONCURRENT PROCEEDINGS

Appellant has filed:

1. Federal civil rights action (U.S. District Court for the District of South Carolina)
2. Emergency Notice of Obstruction of Justice with federal court
3. Criminal complaints with FBI Cyber Division, U.S. Attorney's Office, and Department of Justice Civil Rights Division
4. Emergency Motion in the trial court for reconsideration under Rule 60(b)(3) (fraud)

MOTIONS TO BE FILED WITH THIS COURT

Appellant will file concurrently or promptly after this Notice of Appeal:

1. Emergency Motion for Expedited Consideration - Given the ongoing obstruction of justice evidence.
2. Motion to Supplement the Record - To include evidence of November 11th and 21st, 2025 document tampering and federal obstruction of justice through access to Plaintiff's devices.
3. Motion for Stay of Enforcement - If applicable

NOTICE OF EXTRAORDINARY CIRCUMSTANCES

Appellant alerts this Court to extraordinary circumstances requiring immediate attention:

On November 11, 2025, sophisticated actors with BIOS-level access to Appellant's computer systems tampered with Appellant's appellate brief being prepared for filing in this appeal.

Person(s) unknown inserted cryptocurrency wallet address

"13DQFtGPJNk30dMCMNQSBskfliY4uBbx_SyqSKaGcHSI" into the word "litigation" at the exact sentence proving Respondents acted in retaliation for threatening litigation.

Timestamped evidence proves unauthorized access:

- November 11, 2025, 9:18 AM: Appellant downloaded clean copy of brief
- November 11, 2025, 9:08 PM: Cryptocurrency inserted (12 hours later)
- Appellant made no downloads between these times
- This proves third-party tampering through BIOS-compromised system

This tampering:

- Constitutes federal obstruction of justice affecting this Court's appellate proceedings
- Demonstrates consciousness of guilt regarding the May 1, 2025 civil rights violations
- Proves Respondents or their associates are desperate to prevent this Court's review

- Continues the pattern of retaliation for threatening litigation (May 1: attacked word "sue"; November 11: attacked word "litigation")

Appellant has filed criminal complaints and emergency notices with federal authorities. This Court's appellate proceedings are the target of active federal obstruction of justice.

REQUEST FOR EXPEDITED CONSIDERATION

Given:

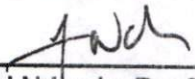
1. The ongoing nature of the obstruction
2. The consciousness of guilt evidence proving the trial court's error
3. The federal crimes committed to prevent this appeal
4. The threat to the integrity of this Court's proceedings

Appellant respectfully requests this Court consider this appeal on an expedited basis and grant any relief necessary to protect the integrity of these appellate proceedings.

CERTIFICATION

I hereby certify that the trial court's Final Order of Dismissal with Prejudice dated November 3, 2025, is a final appealable order disposing of all parties and all issues in the case.

Respectfully submitted this 1st day of December, 2025.



Joel Ndunda, Pro Se Appellant
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Charleston, SC 29401
843-822-4869
geospatial02@outlook.com

2025 CP100 3621

CERTIFICATE OF SERVICE

I hereby certify that on this 1^{^{DEC}}st day of , 2025, I served a copy of the foregoing Notice of Appeal via U.S. Mail upon all counsel and parties of record at their last known addresses.

Zachary M. Kern
Clements Rivers, LLP
P.O. BOX 993
Charleston, SC 29401

FILED

DEC 01 2025

JULIE J. ARMSTRONG
CLERK, C.P. & G.S.

J Nd

Joel Ndunda, Pro Se Appellant

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JAN 29 2026

SC Court of Appeals

EXHIBIT B: TENDER OF CURE

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JAN 29 2026

SC Court of Appeals

EXHIBIT C: PROOF OF SERVICE

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JAN 29 2026
SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

CERTIFICATE OF SERVICE AND PROOF OF MAILING

I, **Joel Ndunda**, Plaintiff/Appellant *pro se*, hereby certify that on **December 1st, 2025**, I served a true and correct copy of the **NOTICE OF APPEAL** upon the Respondents by depositing the same in the United States Mail, Priority Class, postage prepaid, addressed as follows:

Zachary M. Kern

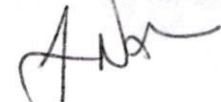
P.O. BOX 993

Charleston, SC 29401

PROOF OF MAILING:

Attached hereto is a copy of the **United States Postal Service Receipt** confirming that said envelope was accepted by the USPS on the date specified above.

This service was performed in compliance with **Rule 203(d)(1)(B)** and **Rule 233** of the South Carolina Appellate Court Rules.



Joel Ndunda
Appellant, Pro Se
January 23, 2026

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JAN 29 2026
SC Court of Appeals



CHARLESTON
83 BROAD ST
CHARLESTON, SC 29401-9998
www.usps.com

12/01/2025

12:09 PM

TRACKING NUMBERS
9505 5117 6066 5335 5817 17

TRACK STATUS OF ITEMS WITH THIS CODE
(UP TO 25 ITEMS)



TRACK STATUS BY TEXT MESSAGE
Send tracking number to 28777 (2USPS)
Standard message and data rates may apply

TRACK STATUS ONLINE
Visit <https://www.usps.com/tracking>
Text and e-mail alerts available

PURCHASE DETAILS

Product	Qty	Unit Price	Price
Priority Mail® Charleston, SC 29402 weight: 0 lb 3.90 oz Expected Delivery Date Fri 12/05/2025 Tracking #: 9505 5117 6066 5335 5817 17	1		\$10.45
Insurance Up to \$100.00 included			\$0.00
Total			\$10.45



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
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www.sccourts.org

January 12, 2026

Joel Ndunda
4015 Laurelwood Dr
Charleston, SC 29414

RECEIVED

JAN 29 2026

SC Court of Appeals

Dear Mr. Ndunda:

The Court received your correspondence dated January 2, 2026. Our records do not reflect an appeal involving you pending in this court. An extension cannot be granted because this Court lacks jurisdiction to act in the absence of a timely served notice of appeal. Accordingly, we are returning your documents to you, and no further action will be taken on your filing.

Very truly yours,

Jasmine D. Smith, Deputy

CLERK

EXHIBIT D: THE RECEIPT FROM LOWER COURT

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JAN 29 2026

SC Court of Appeals

Common Pleas

Clerk : Julie Armstrong

Charleston County Judicial Center

Charleston, SC 29401

Phone:(843) 958-5000 Fax:(843) 958-5020

Received From: Ndunda, Joel
 Laurelwood Dr
 Charleston, SC 29414
 Date: 12/ 1/2025
 Receipt #: 710441
 Clerk: COCKRL

Paying for: Self

Transaction Type: Payment
 Reference #:
 Comment:

Payment Type: Credit Card \$25.00
 SC.gov Portal Fee \$1.43
 Non-Refundable

Total Paid: \$26.43

Total Received: \$25.00
 Change Due: \$0.00

You may check the status of your Charleston case at:
<http://www.sccourts.org/caseSearch/>

Case #	Caption	Previous Balance	Amount Paid	Balance Due
2025CP1003621	Joel Ndunda VS Charleston Dorchester Mental Health	\$25.00	\$25.00	\$0.00

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Total Cases: 1

\$25.00
 SC.gov Portal Fee: \$1.43
 Total Paid: \$26.43